



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2002-43

October 9, 2002

Arthur Stout
RR1 Box 35d
Orford, NH 03777

RE: DES Wetlands File #2001-01928 (forestry), Canaan

Dear Mr. Stout:

The Department of Environmental Services (DES) has received several complaints about poor water quality in Lovejoy Brook during and following the logging operation on your property in Canaan and Enfield. On September 27, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Canaan Tax Map 2512 as Lot 0834 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700, and specifically Wt 304.05 Logging Operations.

During the inspection the following deficiencies were documented:

- 1) A crossing over Lovejoy Brook, to the east of Lovejoy Brook Road, was found, approximately 1 mile north of the junction with Route 4 in Enfield. This crossing was not identified on the Forestry Notification submitted to DES for the project (see enclosed notification 2001-1928).
- 2) Two skid roads with steep slopes to the east of the crossing have been left unstabilized, and are contributing to erosion into Lovejoy Brook.
- 3) Slash has been left in wetlands associated with the brook, in an area measuring approximately 1,500 square feet on the western side and measuring approximately 900 square feet on the eastern side.

In response, you are requested to take the following actions:

- 1) Install erosion controls along the bank of Lovejoy Brook before commencing work.
- 2) Install haybales in the stream channel while work is being performed to prevent further turbidity in the brook.
- 3) Remove debris from an area measuring approximately 50' x 30' (1,500 square feet) from the eastern side of the brook. Restore the area to its original grade. Remove debris from an area measuring 30' x 30' (900 square feet) from the western side of the stream crossing.
- 4) Grade skid roads to the east and west of the stream crossing. Install water bars or diversion channels on the skid roads.
- 5) Seed the retired skid roads with a conservation mix and mulch with hay.
- 6) Photograph all stages of the restoration process and forward the photographs to my attention by November 1, 2002.
- 7) All material removed during restoration activities shall be placed out of DES's jurisdiction.
- 8) All steps shall be taken during the restoration necessary to assure that no water quality violations occur on the Property.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Senior Enforcement Officer
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Vicki Chase at (603) 271-4062.

Sincerely,

COPY
Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 7145

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Canaan Conservation Commission
Canaan Board of Selectmen
David Killoy, USACOE